

Attorney's Docket No. 41020.P005

Patent

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR A PATENT APPLICATION****INVENTORSHIP IDENTIFICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

**FIELD EXTENSIBLE CONTROLEE SOURCED UNIVERSAL REMOTE CONTROL  
METHOD AND APPARATUS**

**SPECIFICATION IDENTIFICATION**

the specification of which

XX is attached hereto.

was filed on \_\_\_\_\_ as  
United States Application \_\_\_\_\_  
or PCT International Application Number \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

**ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

**PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))**

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below

<u>(Application Number)</u>	<u>(Filing Date)</u>
<u>(Application Number)</u>	<u>(Filing Date)</u>

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Application Number)</u>	<u>(Filing Date)</u>	<u>(Status - patented, pending, abandoned)</u>
<u>(Application Number)</u>	<u>(Filing Date)</u>	<u>(Status - patented, pending, abandoned)</u>

**POWER OF ATTORNEY**

I hereby appoint Aloysius T. C. AuYeung, Reg. No. 35,432; Robert H. Chang, Reg. No. 48,765; Robert A. Diehl, Reg. No. 40,992; Jason K. Klindtworth, Reg. No. 47,211; Robert T. Watt, Reg. No. 45,890; Raymond J. Werner, Reg. No. 34,752 as my patent attorney/agent; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

**Send correspondence to:**

COLUMBIA IP LAW GROUP, PC  
10260 SW Greenburg Road, Suite 820  
Portland, Oregon 97223

**Direct telephone calls to:**

(Name and telephone number)

Aloysius T.C. AuYeung  
503-595-2800

U.S. PATENT AND TRADEMARK OFFICE

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full Name of Sole/First**

Inventor: Satoshi Nakajima  
Inventor's Signature:   
Residence: Redmond, Washington (City, State) Date: 11/20/2001  
Citizenship: USA (Country)

**Post Office Address:**

4902 166<sup>th</sup> Ct., NE  
Redmond, WA 98052

**Full Name of Joint/Second**

Inventor: \_\_\_\_\_  
Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: \_\_\_\_\_ Citizenship: \_\_\_\_\_  
(City, State) (Country)

**Post Office Address:**

\_\_\_\_\_

**Full Name of Joint/Third**

Inventor: \_\_\_\_\_  
Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: \_\_\_\_\_ Citizenship: \_\_\_\_\_  
(City, State) (Country)

**Post Office Address:**

\_\_\_\_\_

**Title 37, Code of Federal Regulations, Section 1.56**  
**Duty to Disclose Information Material to Patentability**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Satoshi Nakajima

Application No.: To Be Assigned

Filed: November 21, 2001

For: FIELD EXTENSIBLE CONTROLLEE  
SOURCED UNIVERSAL REMOTE  
CONTROL METHOD AND APPARATUS

Examiner: To Be Assigned

Art Unit: To Be Assigned

Commissioner for Patents  
Box Filing Date  
U.S. Patent and Trademark Office  
P.O. Box 2327,  
Arlington, VA 22202CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Registered Mail" in an envelope addressed to: Commissioner for Patents, Box Filing Date, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202

November 27, 2001

DATE

Heather L. Adamson

TYPED OR PRINTED NAME



SIGNATURE

DECLARATION BY MICHELLE TURNER IN SUPPORT OF SUBMISSION OF  
ORIGINAL FILING OF NON-PROVISIONAL PATENT APPLICATION UNDER  
SUSPENSION OF "EXPRESS MAIL" SERVICE BY U.S. POSTAL SERVICE

TO ZIP CODES 202XX AND 205XX

Sir:

I, Michelle J. Turner, hereby declare that

(a) I am a resident of Washington County, Oregon;

(b) I am employed as a Paralegal by the Firm of Columbia IP Law Group, PC;

(c) My regular duties include preparation of U.S. Non-Provisional Patent Application filing packages, including taking and depositing such packages with the U.S. Postal Services for mailing to the U.S. Patent and Trademark Office;

(d) On Wednesday, November 21, 2001, at the request of the preparation attorney, I prepared the sealed Express Mail package bearing the Express Mail no. EV051081754US, and on or about 4:30pm on said day, took said package to U.S. Postal Service Station located at Highway 99, Tigard, Washington County, Oregon for deposit and mailing to the U.S. Patent and Trademark Office;

(e) Said package was not accepted by the U.S. Postal Service, and the reason for non-acceptance, as conveyed by the U.S. Postal Service Personnel on duty at the time, was because Express Mail Service to Zip Codes 202xx and 205xx was in suspension at the time;

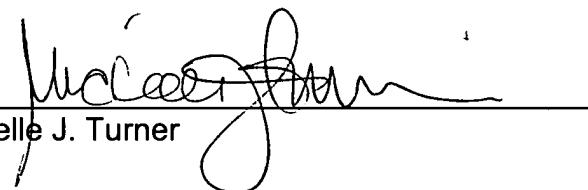
(f) A printed notice of said suspension of service was provided to me by the U.S. Postal Service Personnel on duty at the time (attached herewith as Exhibit A); and

(g) Said package has remained in my custody through the Thanksgiving holidays and weekend, and to the best of my knowledge, has not been opened or altered.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: November 27, 2001

\_\_\_\_\_  
Michelle J. Turner



10260 SW Greenburg Road,  
Portland, Oregon 97223  
Phone: (503) 595-2800  
FAX: (503) 595-2804